

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RUBEN MARTINEZ-CASTRO,)	CASE NO. 1:20-CV-02153
)	
Petitioner,)	JUDGE CHARLES E. FLEMING
)	
vs.)	MAGISTRATE JUDGE
)	JENNIFER DOWDELL ARMSTRONG
WARDEN ED SHELDON,)	
)	OPINION AND ORDER ADOPTING
Respondent.)	MAGISTRATE’S REPORT AND
)	RECOMMENDATION

On September 23, 2020, Petitioner Ruben Martinez-Castro (“Petitioner”) filed a Petition for Writ of Habeas Corpus (“Petition”), pursuant to 28 U.S.C. § 2254. (ECF No. 1). On August 10, 2022, Magistrate Judge Jennifer Dowdell Armstrong filed a Report and Recommendation recommending that the Court deny and dismiss the Petition. (ECF No. 18).

Fed. R. Civ. P. 72(b)(2) provides that the parties may object to a Magistrate Judge’s Report and Recommendation within 14 days after service. The Report and Recommendation also gave the parties notice of the 14-day time limit for filing objections. (ECF No. 18, PageID# 616–17). On June 13, 2023, a copy of the Report and Recommendation was mailed to Petitioner at the Richland Correctional Institution. As a result, any objections by the parties were due on June 30, 2023 (one week prior to the date of this order). No objection has been filed by either party to date.

Under the Federal Magistrates Act, a district court must conduct a *de novo* review of those portions of the Report and Recommendation to which the parties have objected. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). Absent objection, a district court may adopt a Report and

Recommendation without further review. *See Peretz v. United States*, 501 U.S. 923, 939 (1991); *Thomas v. Arn*, 474 U.S. 140, 141-42 (1985).

Accordingly, the Court **ADOPTS** Magistrate Judge Armstrong's Report and Recommendation, incorporates it fully herein by reference, and **DENIES** and **DISMISSES** the Petition. The Court also certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision cannot be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. Fed. R. App. P. 22(b); 28 U.S.C. § 2253(c).

IT IS SO ORDERED.

Date: July 5, 2023

A handwritten signature in black ink, reading "Charles Fleming". The signature is written in a cursive, flowing style.

CHARLES E. FLEMING
UNITED STATES DISTRICT JUDGE